

*UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION*

UNITED STATES OF AMERICA

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versus

**CRIMINAL DOCKET 4:16-CR-003-01
JUDGE LYNN HUGHES**

OMAR AL-HARDAN

DEFENDANT'S MOTION TO UNSEAL GOVERNMENT'S MOTION

TO THE HONORABLE LYNN HUGHES:

1. Omar Al-Hardan asks the Court to unseal the government's motion to correct testimony from the detention hearing that is referenced in the court's order dated January 25, 2016 (docket entry 29). The agent's testimony was public. The correction to his testimony should also be made public. Keeping the motion (and the correction) sealed violates Al-Hardan's Sixth Amendment right to a public trial. The Federal Judicial Center has issued a guide to sealing court records and proceedings. *See* http://www2.fjc.gov/sites/default/files/2012/Sealing_Guide.pdf. None of the reasons for sealing are present here.
2. Moreover, keeping the correction under seal unfairly impedes Al-Hardan's ability to cross-examine the agent on his inaccurate testimony in the event a trial is necessary in this case.
3. Al-Hardan asks that the government's motion to correct testimony be unsealed.

Respectfully submitted,

/s/ David Adler

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Attorney for Defendant,
Omar Al-Hardan

CERTIFICATE OF SERVICE

A copy of this motion was served upon the Assistant U.S. Attorney by e-mail on January 27, 2016.

/s/ David Adler

David Adler

CERTIFICATE OF CONFERENCE

The government is opposed to this motion.

/s/ David Adler

David Adler

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JUDGE LYNN HUGHES**

ORDER ON DEFENDANT'S MOTION TO UNSEAL GOVERNMENT'S MOTION

Al-Hardan's opposed motion to unseal the government's motion is:

Granted,

The Clerk is ordered to unseal the government's motion to correct testimony from the detention hearing that is referenced in the Court's January 25 order.

Denied.

Signed on _____, 2016.

Lynn Hughes
United States District Judge